

REMARKS

The foregoing amendments and following remarks are responsive to the Office Action of June 16, 2004, Applicant respectfully requests favorable reconsideration of this application.

Applicant respectfully thanks the Office for the indication that claims 23-26, 29-47, 49-50, 52, 53, and 55 are merely objected to as depending upon a rejected base claim and would be allowable if rewritten in independent form. All of the remaining claims have been rejected on prior art grounds, all such rejections relying upon the Shah reference as the primary reference under 35 U.S.C. §102(e). However, Shah is not prior art to the present application under 35 U.S.C. §102(e) or any other section of the patent statute since the Applicant reduced the invention as claimed in all of the presently pending claims to practice prior to the earliest possible effective date of the Shah reference, namely, November 6, 2000.

Claims 23-26, 29-47, 49-50, 52, 53, and 55 stand allowable. Claims 11, 12, 16-19, 48, 51, 54, 56, and 57 have been amended to now depend from one of the allowable claims. Accordingly, only claims 1-10, 13-15, 20-22, 27, and 28 are at issue.

The inventions claimed in claims 1-10, 13-15, 20-22, 27, and 28 are disclosed in the inventors' "Disclosure of Invention" which was prepared and submitted to the patent law department of the assignee of the present application prior to November 6, 2000. As set forth in the accompanying declaration of the surviving inventors (on information and belief, inventor Elizabeth Shriver is

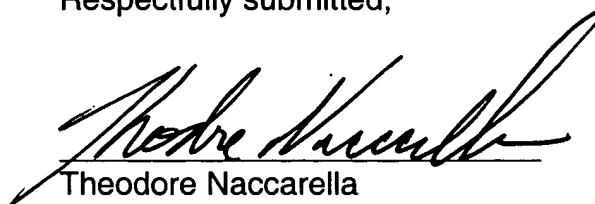
deceased), the invention is described in the aforementioned Disclosure of Invention and, particularly, in the attachment, a paper entitled "Hummingbird: a light-weight file system for caching system web proxies" (hereinafter "the Hummingbird Paper"). Furthermore, the invention described therein was reduced to practice prior to November 6, 2000.

Since Shah is not prior art to the claims at issue and since all of the prior art rejections of those claims are based at least partially on the Shah reference as prior art, all claims are allowable over the prior art of record.

In view of the foregoing amendments and remarks, this application is now in condition for allowance. Applicant respectfully requests the Examiner to issue a Notice of Allowance at the earliest possible date. The Examiner is invited to contact Applicant's undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Respectfully submitted,

Dated: 11.3.04

A handwritten signature in black ink, appearing to read "Theodore Naccarella", written over a horizontal line.

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